

**11/20/06 - Monday, November 20, 2006**

**CITY OF EAU CLAIRE**

**PLAN COMMISSION MINUTES**

**Meeting of November 20, 2006**

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Levandowski, Larson, Davis, FitzGerald, Kayser, and Ms. Kincaid

Staff Present: Messrs. Tufte, Reiter, Genskow

The meeting was chaired by Mr. Levandowski.

**1. REZONING (Z-1371-06) - C-2H to C-3P, Charter Bank**

**and**

**CONDITIONAL USE PERMIT (CZ-0635) - Off-premise Sign**

Charter Bank has submitted a request to rezone property at the northwest corner of W. Clairemont Avenue and Hendrickson Drive from C-2H to C-3P with a conditional use permit for an off-premise sign. The present C-2H zoning does not allow off-premise signs.

Mr. Tufte reported that he has received a letter from the applicant withdrawing the conditional use permit request and requesting postponement of the rezoning.

Mr. Davis moved to postpone the rezoning until applicant submits revised sign plan. Mr. FitzGerald seconded and the motion carried.

**2. REZONING (Z-1373-06) - Nonconforming Structures Charter Ordinance**

Mr. Tufte presented a charter ordinance to amend the zoning code to implement a policy statement of the Comprehensive Plan "to amend the zoning code regulations within older neighborhoods to accommodate the nonconforming status of dwellings due to setback and area requirements." This amendment will make it easier to upgrade nonconforming residential property. The Plan Commission formed a committee of representatives from various boards and public persons and this charter ordinance is the result of their recommendations.

This ordinance repeals present provisions for nonconforming structures and provides new provisions with greater flexibility for review of changes to these structures. There are six major areas of change, which are described in the staff report. Mr. Tufte stated that staff is very satisfied with the structure of the ordinance and with the committee's recommendations.

No one appeared in opposition.

Ms. Kincaid moved to recommend approval of the charter ordinance. Mr. FitzGerald seconded and the motion carried.

**3. REZONING (Z-1374-06) - C-2 to R-2, 344 and 402 Folsom Street**

Jim Paulson has submitted a request to rezone property at 344 and 402 Folsom Street from C-2 to R-2. The property presently has a single-family home on the east lot. The other lot is vacant. The surrounding neighborhood consists of single-family homes with a newer duplex to the west.

Jim Paulson, 2610 4<sup>th</sup> Street, spoke in support and no one appeared in opposition.

Mr. FitzGerald moved to recommend the rezoning of the property. Mr. Kayser seconded and the motion carried.

**4. COMMUNITY BASED RESIDENTIAL FACILITY (CBRF-01-06) - 1801 Deblene Lane**

Rem Wisconsin has submitted a request to allow a Community Based Residential Facility (CBRF) for 4 developmentally disabled persons at 1801 Deblene Lane. The residence is a duplex structure with four bedrooms. This request is within 2,500 feet of two other existing CBRFs. The purpose of this state rule is to prevent the concentration of such uses within any area of the City. However, previous court rulings have made such residences for handicapped persons as exempt from the distance review. Therefore, this request cannot be denied.

Lisa Olson, the applicant, appeared in support. No one appeared in opposition.

Mr. FitzGerald moved to recommend approval. Mr. Kayser seconded and the motion carried.

**5. COMMUNITY BASED RESIDENTIAL FACILITY (CBRF-02-06) - 622 Wisconsin**

**Street**

Angelspace, Inc., has submitted a request to allow a Community Based Residential Facility (CBRF) for 6 persons with terminal

illness. The property has 6 bedrooms on the main level and 3 bedrooms on the seconded floor. There will be up to 5 persons there during the day. There is a large parking lot that should be adequate for this facility. This property was previously approved as a CBRF for elderly persons.

Sharon Stokes 133 W. Grand Avenue, spoke in support. She stated this is the first type of such a facility in Eau Claire for hospital discharge persons who have no place to stay.

Theresa Nagle, 640 Wisconsin Street, stated she supports the facility. If it changes then the neighbors would get notice for possible comment. No one appeared in opposition.

Mr. FitzGerald moved to recommend approval. Mr. Kayser seconded and the motion carried

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6. **STREET VACATION - Chestnut Street, East of Whipple Street.**

Luther Hospital has submitted a request to vacate the segment of Chestnut Street between Whipple Street and east to properties owned by Luther Hospital. Public utilities are located within the street. Mr. Genskow reported that vacation will not impact any current or future public transportation needs of the City, other than access to Luther Hospital. Two transit routes will be rerouted and a transit shelter should be relocated with the new hospital construction.

Disa Wahlstrand, Ayres Associates, appeared in support.

Mr. Davis moved to recommend approval of the street vacation. Mr. FitzGerald seconded and the motion carried. Ms. Kincaid abstained

7. **SITE PLAN (SP-0646) - Rooming House, 431 Washington Street**

Rick Wanke has submitted a site plan to allow adding a bedroom to a rooming house with expanded parking at 431 Washington Street. He owns a 9-bedroom rooming house that is licensed for 13 and has 14 existing parking stalls on site. He wants to add a basement bedroom to the house and to add 2 parking stalls to the side yard facing S. Dewey Street. Mr. Tufte pointed out that the 2 new parking stalls are not allowed, as they do not comply with code.

Mr. Wanke, 1428 Frederick Street, spoke in support. He stated that he contacted most of the surrounding rental property owners and they support adding the extra stalls. He would improve the surface with concrete or asphalt for the remaining unpaved spaces. He asked if the landscaping separation could be only 3 feet wide instead of the 5 feet request by staff. He responded to commission questions that he has completed most of the repairs required this year by the Health Department. He also stated that a licensed electrician has completed the wiring in the basement. Mr. FitzGerald asked why the applicant hadn't filed for permits before doing the work and commented that there appears to be a history of avoidance of seeking permits with the property.

Mr. Wanke responded that he was pursuing to have a management firm take over the running of this rooming house.

Stan Carpenter, 409 Summit Street, and Chair of the 3<sup>rd</sup> Ward Neighborhood Association, spoke in opposition. He stated that City ordinances need to be followed and requested that the Commission deny the site plan until all required improvements are completed.

Mr. FitzGerald responded that the Commission should listen to the neighborhood in this case and not allow a negligent property owner who appears to ignore the ordinances get a benefit of approval. He felt the request should be denied even though the parking lot will not be improved. The owner has allowed a dangerous situation to continue with persons living in the basement even after several notices to vacate by the Health Department. He felt the Plan Commission needs to be careful and not allow violations to continue and should send a strong signal to violators by denying this request.

Mr. FitzGerald moved to approve the site plan, indicating he would vote against approval. Mr. Kayser seconded.

Mr. Wanke stated that he felt he had been misrepresented at this meeting and it would be destructive to remove the basement room. He also presented a letter by an electrician, which claimed to have installed the required electrical work by code.

Mr. Levandowski stated there was a clear record by the applicant of ignoring the Health Department and City ordinances. Mr. Levandowski called for a vote and the motion failed unanimously.

8. **DISCUSSION/DIRECTION - Exception to 10-acre Standard - Town of Washington**

Mr. Tufte presented a revised draft of proposal for granting exceptions to the 10-acre minimum lot size requirement of the City, in particular to areas in the Town of Washington. From discussions at the last meeting, Mr. Tufte has revised the proposal and presented the revision to the Commission. This revision will be presented to the Town of Washington and the City will request support for its Comprehensive Plan and its inclusion and recognition of the sewer service area within the Town's plan.

It was the consensus of the commission to proceed with contacts with the Town and felt it is important that the Town recognize the very important aspect of the sewer service boundary. The Commission felt this approach should help the City and Town work together so that both municipalities have good development.

**MINUTES**

The minutes of the meeting of November 6, 2006, were approved.

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Fred Waedt

Secretary